

**TOWN OF ORONO  
COUNCIL VIRTUAL MEETING AND WORKSHOP  
MONDAY, JANUARY 11, 2021 AT 5:00PM**

**WATCH ONLINE AT**

<https://zoom.us/j/98607297938>

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at [info@orono.org](mailto:info@orono.org) and during the meeting by using Zoom comment features.*

**MINUTES**

**1. Roll Call**

Present: Council Chair Tom Perry, Laurie Osher, Meghan Gardner, Cheryl Robertson, Terry Greenier, Sam Kunz and Town Manager Sophie Wilson.

**2. Agenda Review - None**

**3. Approval of Minutes of December 14, 2020**

Moved by Sam Kunz and seconded by Cheryl Robertson. All voted in favor, 6-0.

**4. Public Hearings**

- a. To consider a Victualer's License for Global Montello Group Corp., d/b/a Alltown, 103 Park Street.**

Public hearing a. opened at 5:02pm. Community Development Director Dave Milan introduced the new Code Enforcement Officer, Patrick Estey. Mr. Milan noted that Mr. Estey started with the Town last month. Mr. Estey commented he is proud to be part of Orono. Code Enforcement Officer Pat Estey reported that staff has completed all of the inspections and recommends approval of the license. No public comments were made. The public hearing closed at 5:03pm.

- b. To consider a Victualer's License for DMCP, LLC, d/b/a Dunkin Donuts, 103 Park Street.**

Public hearing b. opened at 5:03pm. Mr. Estey reported that staff has completed all of the inspections and recommends approval of the license. No public comments were made. The public hearing closed at 5:04pm.

- c. To consider a Class I-A Malt, Spirituous & Vinous Hotel Liquor License, Special Amusement Permit for Music, Dancing and Entertainment, and Victualer's License for University Inn Academic Suites, 5 College Avenue.**

Public hearing c. opened at 5:04pm. Mr. Estey reported that staff has completed all of the inspections and recommends approval of the licenses. No public comments were made. The public hearing closed at 5:05pm.

**d. To consider Ordinance Amendments to the Town of Orono Ordinances, Chapter 28 Personnel, Article V Benefits, Sections 71-82 to comply with State law changes related to accrued benefit time.**

Public hearing d. was continued from the December 14, 2020 Council Meeting. Ms. Wilson stated this revision seeks to adopt minor changes in the Personnel Ordinance to better reflect current operational practices. She stated the major change resulted from the Maine State Legislature adopting a new requirement (Earn Paid Leave Law) for employers in Maine with 10 or more employees (for more than 120 days per year) to provide one hour of paid leave for every forty (40) hours worked. There are exemptions for temporary, seasonal, and certain emergency responders as well as requirements for minimum time employed before time can be used. Ms. Wilson explained the law and noted, that since the Town provides more generous paid time off benefits for employees who regularly work twenty hours or more, this new law only impacts the benefits for a very small number of Town employees. This law was effective as of January 1, 2021. No public comments were made. Public hearing d. closed at 5:12pm.

**e. To consider a proposed Order entitled *Sewer Facilities Upgrade Bond Order*. The Order will provide for the issuance of a bond or bonds to the Maine Municipal Bond Bank's State Revolving Fund (SRF) Program in an amount not to exceed \$1,000,000, with the proceeds of the bond sale to be used for the following purposes: 1) to make improvements to the Town's wastewater treatment facilities, including expenditures for capital projects reasonably related thereto; and 2) to fund transaction costs and other expenses related to the identified projects and the bond sale.**

Public hearing e. opened at 5:13pm. Ms. Wilson showed a video of the damaged sewer pipe in the Mahaney Development (Frost/Mountainview neighborhood) and the water infiltration problem. WPCF Superintendent Joe Madigan provided information about the project. Ms. Wilson stated this project is also part of the Public Works drainage and road improvements for the Mahaney Development area. Ms. Wilson explained that since the Maine Municipal Bond Bank (MMBB), DEP's State Revolving Loan Fund (SRF), includes the potential for loan forgiveness and similar borrowing terms, the Town elected to omit the WPCF funding from the 2020 Bond and borrow it separately. She reviewed the low interest rates offered through this fund over the 20-year life of the bond (.78% to 2.8%). She described the estimated sewer rate increase of \$0.25-\$0.30 per 100 cubic feet. Ms. Wilson stated staff is requesting approval of this borrowing from the MMBB's SRF program. No public comments were made. Public hearing e. closed at 5:24pm.

## **5. Acknowledgments by Council Members**

Terry Greenier acknowledged Public Works Director Rob Yerxa and his crew for their amazing work with the recent storm.

Meghan Gardner acknowledged Marsh Island Brewing Company who has been in the news recently for teaming up with the Maine Veteran's project to produce a special beer called "Battle Buddies" with proceeds benefiting veterans.

Cheryl Robertson thanked the residents who have stepped up and are running for Council or the school board. She also thanked the voters who signed nomination papers for the candidates during Covid. Ms. Robertson acknowledged the publication, "From the Mountains to the Seas," which is a historic preservation document of the Penobscot River. She noted that Orono is a part of it and she is proud of the community.

Laurie Osher acknowledged the Public Works crew for clearing the roads after the recent snowstorm. She noted that the community is blessed to have well groomed cross-country ski trails to enjoy.

Sam Kunz commented that the holiday season was awesome and acknowledged the Stillwater River lighted walking trail. He also acknowledged the large number of people running for Council.

Tom Perry acknowledged the Town Department Heads who are stepping up and working with smaller crews during Covid. Mr. Perry also acknowledged the passing of David Wihry, who was an Economics Professor at the University for many years.

## **6. Unfinished Business**

**Order 21-01 Order, taking Order 20-198 off the table.**

Moved by Sam Kunz and seconded by Cheryl Robertson. All voted in favor, 6-0.

**Order 20-198 Order, approving Ordinance Amendments to the Town of Orono Ordinances, Chapter 28 Personnel, Article V Benefits, Sections 71-82 to comply with State law changes related to accrued benefit time.**

Moved by Laurie Osher and seconded by Sam Kunz. All voted in favor, 6-0.

Ms. Wilson explained that Town employees can carry over their time from one year to the next until they reach their cap. She noted she knows of only one person who would use this provision.

## **7. Consent Agenda**

**Order 21-02 Order, approving a Victualer's License for Global Montello Group Corp., d/b/a Alltown, 103 Park Street.**

**Order 21-03 Order, approving a Victualer's License for DMCP, LLC, d/b/a Dunkin Donuts, 103 Park Street.**

**Order 21-04 Order, approving a Class I-A Malt, Spirituous & Vinous Hotel Liquor License, Special Amusement Permit for Music, Dancing and Entertainment, and Victualer's License for University Inn Academic Suites, 5 College Avenue.**

- Order 21-05** Order, pursuant to 29-A M.R.S.A., Sec. 2395, the Council hereby designates Bennoch Road from Main Street to the Orono-Old Town Line, Forest Avenue from Main Street to I-95, and Taylor Road from Forest Avenue to Putnam Road as being closed to vehicular traffic carrying heavy loads from January 15, 2021 until May 1, 2021 when necessary, unless solidly frozen and that said roads shall be subject to the same restrictions and definitions of heavy loads as promulgated by the Department of Transportation for State and State Aid Highways, which restrictions are incorporated herein by reference. The Town Manager shall be authorized to cause the enforcement thereof.
- Order 21-06** Order, approving the Membership in the Maine Service Centers Coalition for 2021 and designating Sophia L. Wilson as the Voting Delegate Representative and designating Belle Ryder as the Alternate.
- Order 21-07** Order, approving the Warrants for the March 9, 2021 Annual Municipal Election, setting the hours of voting as 7:00am-8:00pm and the polling place as the Council Chambers of the Municipal Building for Ward 1, P1, 2 & 3.
- Order 21-08** Order, changing the hours that the Registrar will accept registrations of applicants who appear in person as follows: On the last five business days before the March 9, 2021 Annual Municipal Election. [MRSA 21A, Sec. 122.6A(2) and Sec. 122.8] (Mon-Wed 7:30am-4:30pm and Thursday 7:30am-5:30pm).
- Order 21-09** Order, pursuant to 21-A MRSA § 501, approving the Town Clerk's appointment of Belle Ryder, Angela Kohtala and Judith Sullivan as Wardens and Patricia Davis and Danielle Nightingale as Deputy Wardens for the March 9, 2021 Annual Municipal Election.
- Order 21-10** Order, proclaiming the Month of March as Science Month in the Town of Orono.
- Order 21-11** Order, confirming the employment contract of Patrick Estey as the Code Enforcement Officer for the Town of Orono, effective November 30, 2020 to December 31, 2023.
- Order 21-12** Order, authorizing the Town Manager to enter into an Agreement with Penobscot County for Regional Animal Control Services for one year, beginning January 1, 2021 to December 31, 2021.
- Order 21-13** Order, appointing Rachael Mahar to the Library Board of Trustees as an Associate Member, filling an unexpired 2-year term until 2022.
- Order 21-14** Order, appointing Mary Jean Sedlock to the Trails Committee, filling an unexpired 2-year term until 2022.

**Order 21-15 Order, authorizing the Town Manager to purchase Fire Department Turnout Gear from Industrial Protection Services, LLC of Salem, NH at an amount not to exceed \$5,676 with funds drawn from HazMat Reserve.**

**Order 21-16 Order, authorizing the Town Manager to accept and expend a \$300 Library Grant received from the Bates College Diverse BookFinder, in partnership with the Brooks Foundation and Maine Humanities Council.**

Moved by Cheryl Robertson and seconded by Sam Kunz to approve the consent agenda. All voted in favor 6-0.

Mr. Perry highlighted the upcoming Annual Municipal Election March 9th (7am-8pm), proclaiming March as Science Month in the Town of Orono and the appointment of Patrick Estey as Orono's new Code Enforcement Officer.

## **8. New Business**

**Order 21-17 Order, entitled Sewer Facilities Upgrade Bond Order, authorizing the issuance of general obligation bonds in an amount not to exceed \$1,000,000 (the "SRF Bonds").**

**BE IT ORDERED BY THE TOWN COUNCIL OF THE TOWN OF ORONO, MAINE, AS FOLLOWS:**

**The Treasurer of the Town and Chair of the Town Council be and hereby are authorized to borrow an aggregate principal amount not to exceed \$1,000,000, through the Maine Municipal Bond Bank's State Revolving Fund (SRF) Program, including interim funding in anticipation of permanent funding, the proceeds of which shall be used and are hereby appropriated for the following purpose:**

**1) to make improvements to the Town's wastewater treatment facilities, including expenditures for capital projects reasonably related thereto; and 2) to fund transaction costs and other expenses related to the projects and the bond sale; and**

**That pursuant to 30-A M.R.S. §§ 5231 and 5772, the Orono Town Charter, as amended, and all other authority thereto enabling, in order to evidence such loan and to accomplish the borrowing authorized above, the Town Council hereby authorizes and approves issuance of the SRF Bonds in an amount not to exceed \$1,000,000, which SRF Bonds shall be general obligation bonds, the payment of which shall be backed by the full faith and credit and taxing power of the Town; and**

**The Treasurer and Chair of the Town Council shall determine the date, maturities, denominations, interest rate or rates, and be in such form and**

**contain such other terms and provisions as they shall approve, such approval to be conclusively evidenced by their execution thereof; and**

**The SRF Bonds shall be executed in the name and on behalf of the Town by its Treasurer and Chair of the Town Council and shall bear the corporate seal of the Town thereon, attested by the Town Clerk; and**

**The term “cost” or “costs” as used herein and applied to the use of the proceeds of the SRF Bonds, or any portion thereof, includes, but is not limited to the cost of financing charges and issuance costs and other fees and expenses relating to the financing transaction; and**

**The Treasurer and Chair of the Town Council be and hereby are individually authorized to execute and deliver, in the name of and on behalf of the Town, an underwriting or private placement commitment as may be necessary or appropriate to provide for the issuance and sale of the SRF Bonds, which shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Treasurer and Chair of the Town Council, such approval to be conclusively evidenced by the execution thereof; and**

**The Treasurer and the Chair of the Town Council are hereby authorized and empowered to execute all reasonable and necessary transaction documents with respect to issuance of the SRF Bonds, and to do all such acts and things as may be necessary or advisable, to carry out the provisions of this Order in connection with the execution, sale and delivery of the SRF Bonds, which transaction documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the officer executing the same, such approval to be conclusively evidenced by his execution thereof; and**

**If any of the officers or officials of the Town who have signed or sealed the SRF Bonds shall cease to be such officers or officials before the SRF Bonds so signed and sealed shall have been actually authenticated or delivered by the Town, such SRF Bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such SRF Bonds had not ceased to be such officer or official; and also any such SRF Bonds may be signed and sealed on behalf of the Town by those persons who, at the actual date of the execution of such SRF Bonds, shall be the proper officers and officials of the Town, although at the nominal date of such SRF Bonds any such person shall not have been such officer or official; and**

**If the Treasurer, Chair of the Town Council or Clerk are for any reason unavailable to approve and execute the 2020 Bonds or any of the related bond or transaction documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had themselves performed such act; and**

**That the projects to be financed with the new-money portion of the SRF Bonds all have a useful life that extends beyond the final maturity of the SRF Bonds, thereby complying with the requirement that the term of the bonds not exceed 120% of the useful life of the projects; and**

**That all actions heretofore taken by the Municipal Officers of the Town relating to the issuance of the SRF Bonds be and hereby are ratified, approved and confirmed.**

Moved by Sam Kunz and seconded by Cheryl Robertson. All voted in favor, 6-0.

Councilor Perry requested waiving the reading of the order. Council unanimously agreed.

Town Manager Wilson provided information about the bond rate which will be set when finalized. She noted that the bonds will have low interest rates which will increase over time. She noted it is a 20-year bond that cannot be refinanced. She reviewed the sewer system upgrades for the Mahaney Development noting that some lines will be repaired and some will be relined. She noted that the WPCF Superintendent and the engineers have done a great job getting everything ready for DEP.

**Order 21-18 Order, authorizing the Town Manager to purchase a WPCF Grit Trailer from Scott's Recreation of Hermon, Maine in the amount of \$5,300 with funds drawn from the WPCF Equipment Reserve.**

Moved by Sam Kunz and seconded by Cheryl Robertson. All voted in favor, 6-0.

WPCF Superintendent Joe Madigan stated this purchase replaces the 2012 WPCF grit trailer which will be resold. Staff is recommending the Town Council accept the second lowest quote received as the trailer from Scott's Recreation includes 10 gauge steel sidewalls as opposed to the 14 gauge offered by the lowest bid.

**Order 21-19 Order, authorizing the Town Manager to purchase a Security Access System with Video Intercoms (for 3 doors and 4 user stations) from Eagle Security Systems of Hampden in the amount of \$17,045 with funds drawn from the approved and accepted Center for Tech and Civic Life Grant.**

Moved by Sam Kunz and seconded by Cheryl Robertson. All voted in favor, 6-0.

Assistant Town Manager Belle Ryder stated as part of the Town's effort to support secure and effective elections, staff is recommending Council approve the addition of security access (two downstairs and the Council Chamber door) and video intercoms at the Town Hall which supports pre-election efforts as well as spring and summer elections in Council Chamber. Ms. Ryder described the remote door video access (from staff's desks) being utilized for flexibility, security and safety reasons while the office is shut down during the pandemic and for unforeseen future use as needed.

## **9. Council Committee/Representative Reports**

**Community Development Committee** - Terry Greenier reported that the Committee met on December 17th and discussed solar energy systems as a land use and recycling efforts for a resolution

to support Extended Producer Responsibility (EPR) for Packaging Law as Presented by the Natural Resources Council of Maine (NRCM). The Parks and Recreation Director Mitch Stone informed the Committee of an ice skating rink at the Camden Bank parking lot.

**Comp Plan Committee** - Meghan Gardner reported the Committee did not meet this month. The next meeting will be Monday, February 1, 2021.

**Environment Committee** - Cheryl Robertson stated the Committee met on December 15th and noted they have a new member, Ana Stanek. They discussed the resolution request to support Extended Producer Responsibility (EPR) for Packaging Law as Presented by the Natural Resources Council of Maine (NRCM). She stated the group started drafting the Committee's charge to reduce the community's environmental footprint. The Committee discussed a grant opportunity and initiatives such as electric vehicle charging stations and a Municipal Climate Action Plan. The next meeting will be January 20, 2021.

**State Legislature Updates** - Ms. Osher stated the legislators took their oaths of office at the Civic Center on December 1, 2020 and she noted future meetings will be remote. She stated that her committee is the Agriculture, Conservation and Forestry Committee. She will be submitting some bills to the legislature and will keep the Council posted.

**Finance and Operations Committee** - Tom Perry stated the Committee met on December 28, 2020 and reviewed the Town's financial statements and the State Revenue Sharing, of which they were pleased.

**10. Future Agenda Items/Items of Concern** - None

**11. Public Petitions** - None

**12. Public Comments**

Ms. Wilson provided a brief overview of the following items:

- Vision Government Solutions revaluation information and appointment letters sent out.
- Another firefighter out due to Covid exposure.
- Winter storm cleanup priority system: First roads, sidewalks, parking lots, and trailheads are one of the last things to clear. She spoke of the limited resources and the crew being short staffed this season.
- Candidates' Night to be held Thursday, February 4th at 6pm via a Zoom Meeting.
- Staff is working with Mr. Tozer regarding an ice rink in the Camden Bank parking lot.
- Town/Gown, Diversity and Inclusivity Relationship - working together with the University on linked website information.

**13. WORKSHOP: Council Discussion on the *The Color of Fear* Documentary**

Councilor Gardner facilitated the discussion regarding the "The Color of Fear" documentary.



**14. WORKSHOP: Council Resolution Supporting Extended Producer Responsibility for Packaging**

Councilors discussed the proposed resolution request to support Extended Producer Responsibility (EPR) for Packaging Law as Presented by the Natural Resources Council of Maine (NRCM).

Council agreed to forward this item to the February 8, 2021 Council Meeting for consideration.

**15. Adjournment**

At 7:10pm, Sam Kunz motioned to adjourn and Cheryl Robertson seconded. All voted in favor, 6-0.

Minutes are not verbatim. A video-recorded version is available on the Town's website at [www.orono.org](http://www.orono.org).

Respectfully submitted,

Nancy W. Ward  
Executive Assistant